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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 BENJAMIN RODRIGUEZ,

11 Defendant.

NO. 2:17-CR-0229-TOR-1

ORDER DENYING MOTION FOR
RECONSIDERATION, ETC.

12
13 BEFORE THE COURT are Defendant's Emergency Motion for
14 Reconsideration, Motion Requesting Appointment of Counsel, and Request to
15 Take Judicial Notice. ECF No. 1220. The Court has reviewed the record and files
16 herein and is fully informed.

17 Defendant's Motion to Reduce Sentence was denied on August 8, 2021.
18 ECF No. 1212. Defendant filed a Notice of Appeal on August 19, 2021. ECF No.
19 1214. On August 30, 2021, Defendant filed the instant motions and request.

1 “The filing of a notice of appeal is an event of jurisdictional significance—it
2 confers jurisdiction on the court of appeals and divests the district court of its
3 control over those aspects of the case involved in the appeal.” *Griggs v. Provident*
4 *Consumer Discount Co.*, 459 U.S. 56, 58 (1982); *United States v. Vroman*, 997
5 F.2d 627 (9th Cir. 1993) (holding that the district court was without jurisdiction to
6 respond to defendant’s motion for reconsideration because he filed it after having
7 filed a notice of appeal).

8 Were this Court to use the “indicative ruling” procedure of Federal Rules of
9 Appellate Procedure Rule 12.1, the Court would deny the motions and request.
10 Defendant has not established plausible grounds for relief and has received a
11 replacement C-PAP machine (ECF No. 1220 at 4).


12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 Defendant’s Emergency Motion for Reconsideration, Motion Requesting
14 Appointment of Counsel, and Request to Take Judicial Notice, ECF No. 1220, are
15 **DENIED.**

16 The District Court Executive is directed to enter this Order and furnish
17 copies to the parties.

18 **DATED** August 31, 2021.




THOMAS O. RICE
United States District Judge